

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HP TUNERS, LLC, a Nevada limited liability
company,

Plaintiff,

vs.

KEVIN SYKES-BONNETT and SYKED
ECU TUNING INCORPORATED, a
Washington corporation,

Defendants.

NO. 3:17-cv-05760-JRC

**DECLARATION OF KEITH
PROCIUK IN SUPPORT OF
PLAINTIFF'S EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION
AGAINST DEFENDANTS**

I, KEITH PROCIUK, pursuant to 28 U.S.C. § 1746, being duly sworn according to law,
hereby state and declare as follows:

1. My name is Keith Prociuk. I am an individual over the age of 18 years. I have
personal knowledge of the matters set forth in my declaration and would be willing and able to
testify thereto if and when called upon to do so.

2. I am an owner of HP TUNERS, LLC.

3. On September 25, 2017, on a telephone conference with me and others, Kevin
Sykes-Bonnett specifically advised me that Defendants are developing competing products and

1 software to HPT and that Defendants are releasing the competitive products and software to the
2 public at the SEMA Show in Las Vegas beginning on October 31, 2017.

3 4. Defendants posted a YouTube video at <https://youtu.be/nGK4o0lxYq0?t=100>
4 which contained a licensing screen. A screenshot of the licensing screen shows Defendants have
5 copied HPT virtually word for word. (See Exhibit 1-A_1 and Exhibit 1-A_2 attached hereto).

6 5. Likewise, Exhibit H to the Complaint shows a listing of exact HPT parameter
7 names (character per character, including abbreviations) showcased in Defendants' own
8 software. Attached as Exhibit 1-B_1 and 1-B_2 hereto are enlarged screenshots. Every single
9 parameter in the list to the left is copied from HPT software.
10

11 6. Attached as Exhibit 1-C hereto the Declaration of Keith Prociuk is also a sample
12 of a few of these parameters shown in HPT software. The shown sample includes "Max Torque
13 Timing Mult", "Max Torque Timing EGR adder", and "Max Torque Timing Alcohol Adder" –
14 which are seen in Defendants' software.

15 7. Defendants' own documents and information demonstrate that Defendants have
16 misappropriated HPT's confidential, proprietary and trade secret information and are
17 incorporating it into their own products and software.

18 8. Because of the threat to HPT's business that competing products incorporating
19 our source code will be publicly released and disseminated, our entire business is at stake.
20

21 9. Accordingly, the release of such competing products threatens the livelihood of
22 all of HPT's employees.

23 10. HPT will suffer irreparable harm if Defendants are not enjoined from releasing or
24 selling any products or software that is based on or derived from HPT's software or products.
25

1 I hereby declare, under penalty of perjury, that all of the foregoing is true and accurate to
2 the best of my knowledge and belief.

3 Dated: October 12, 2017

4 

5 KEITH PROCIUK
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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Syked ECU Tuning Incorporated

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EXHIBIT 1-A_1

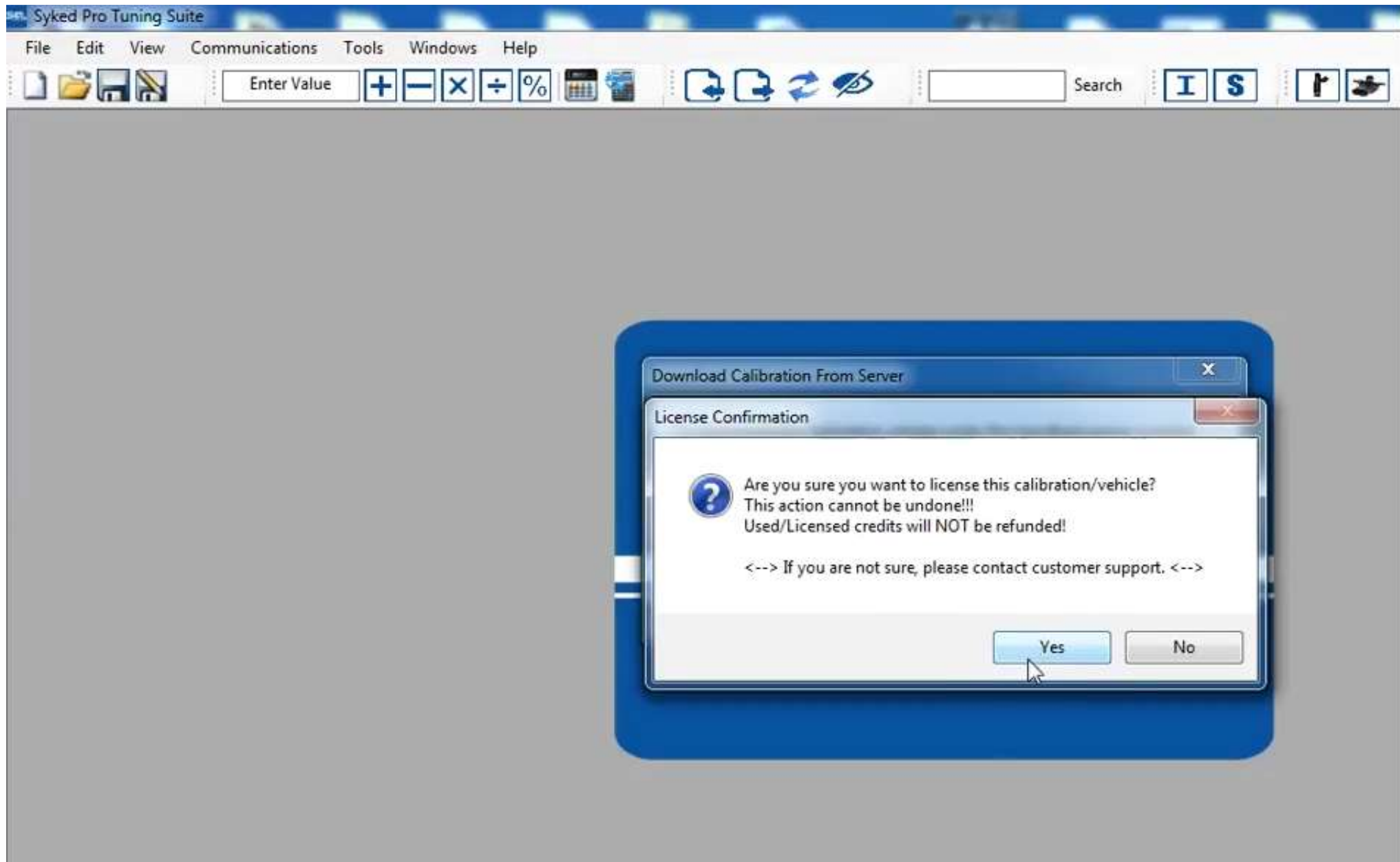
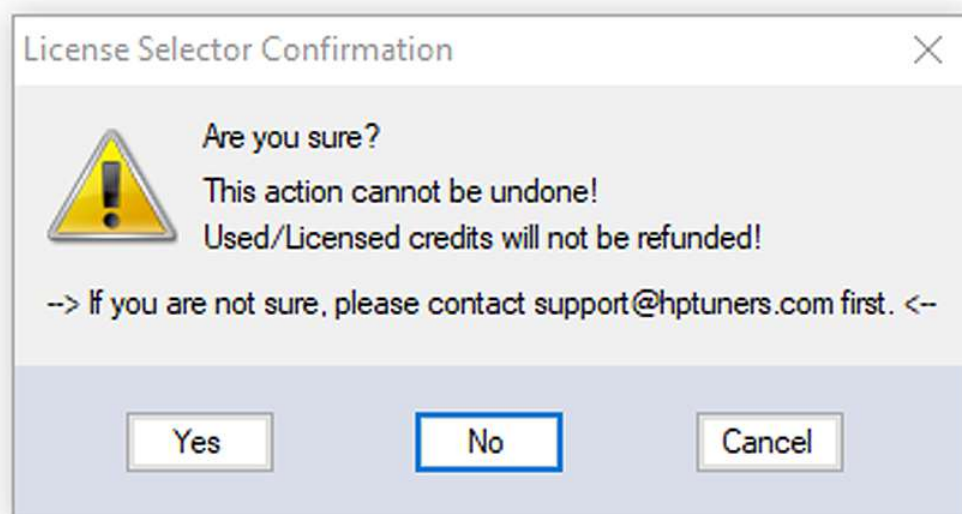
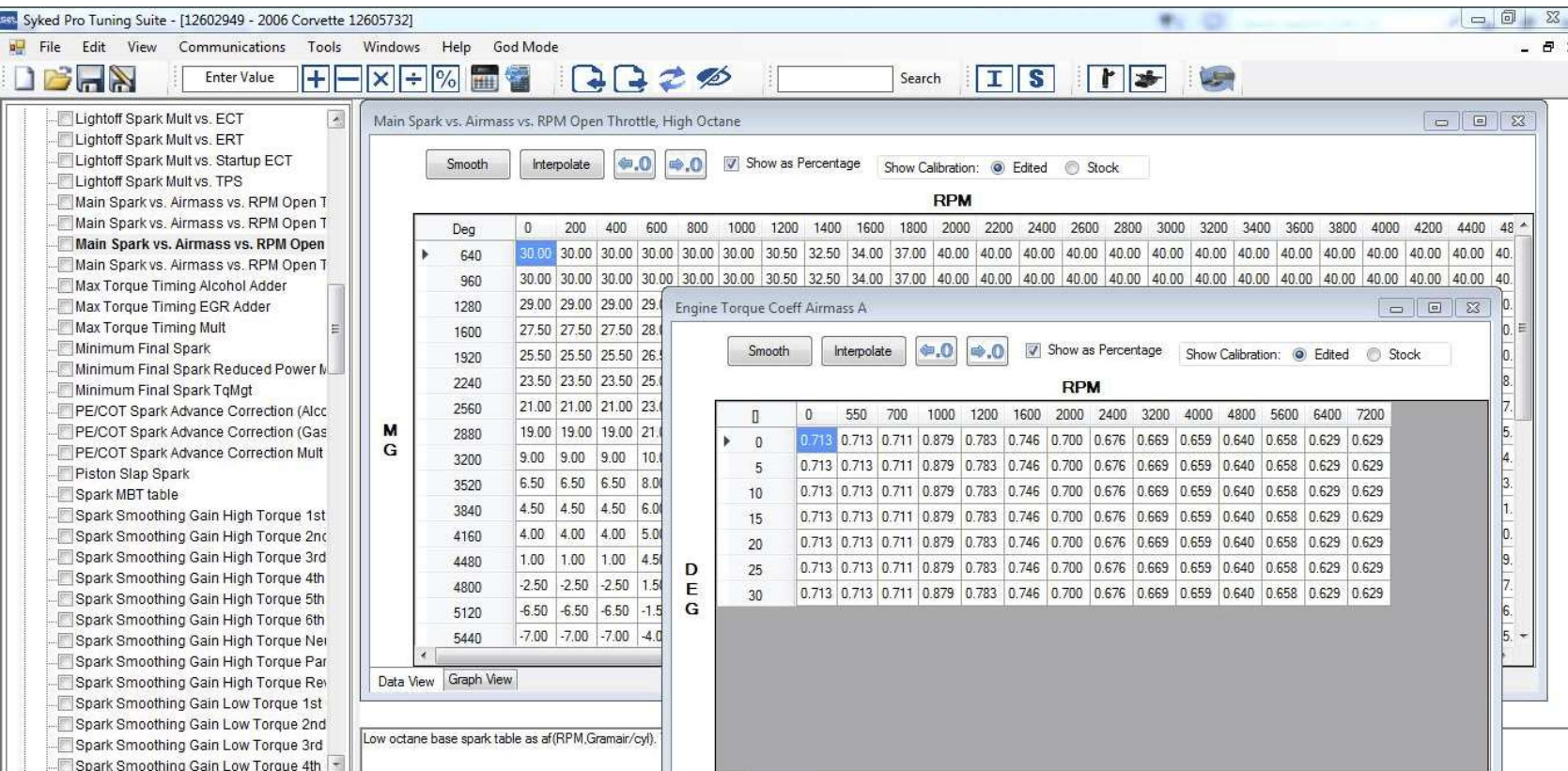


EXHIBIT 1-A_2



HP*tuners*

EXHIBIT 1-B_1



Kevin Sykes-Bonnett
 Follow · April 8 ·

Now that Ford is out to Beta, I am gonna tear thru the E38, E67 and E92 GM Controllers. As soon as my business partner finishes up some firmware bugs in our cable we will be ready to release our own hardware. Exciting things to come for the tuning community this year. #SYKEDECU #25Credits #1CreditToTuneaCar #killingit

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30

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Jay Engberg Or at least 2d
 Like · Reply · April 8 at 5:35am

Morgan Rickard lol
 Like · Reply · April 8 at 7:25am

Morgan Rickard you really don't like HP tuners
 lmao
 Like · Reply · 1 · April 8 at 7:26am

Kevin Sykes-Bonnett replied · 1 Reply

Bryce Bjerke Saab
 Like · Reply · April 8 at 5:33am

Eric Brooks Looks real familiar
 Like · Reply · 1 · April 8 at 10:20am

Ryne Cunningham I wouldn't use hpt names.
 Though.

EXHIBIT 1-B_2



EXHIBIT 1-C

VCM Editor - E38\12605732.hpt

File Edit Compare Flash Tools Window Help

Favorites OS Engine Engine Diag Trans Trans Diag Fuel Sys System Speedo

Parameter Navigator

12

[Text Filter]

- Operating System
 - Engine
 - General
 - Idle
 - Airflow
 - Fuel
 - Spark
 - Advance
 - General
 - Max Torque Timing vs. RPM vs. Cyl Air
 - Max Torque Timing Alcohol Adder
 - Max Torque Timing Mult
 - Max Torque Timing EGR Adder
 - Manual Trans Spark Smoothing (RDSC) Master Enable
 - 12 Spark Smoothing Max Torque Delta
 - 12 Spark Smoothing Max Torque Bias
 - 12 Spark Smoothing Max Torque Loss
 - Spark Smoothing Gain Low Torque
 - Spark Smoothing Gain High Torque
 - High Torque Threshold
 - Main Spark Advance
 - Main Spark vs. Airmass vs. RPM Open Throttle, High Octane
 - Main Spark vs. Airmass vs. RPM Open Throttle, Low Octane
 - Main Spark vs. Airmass vs. RPM Open Throttle, High Octane, DOD
 - Main Spark vs. Airmass vs. RPM Open Throttle, Low Octane, DOD